

AF/3632 IAW

03-2-315

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Seymour, et al.

Application/Control No.: 10/737,048

Art Unit: 3632

Filed: 12/16/2003

Examiner: Sterling, Amy Jo

For: BRACKET ASSEMBLY

Commissioner for Patents
Box 1450
Mail Stop: AF
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450

Alexandria, VA 22313, on

April 9 2005
William H. McNeill
William H. McNeill

Response to Notification of Non-Compliant Appeal Brief

In response to the subject Notification (copy attached) submitted herewith is a corrected copy of the Appeal Brief in the subject application with the paragraph entitled "GROUPING OF CLAIMS" removed.

Respectfully submitted,

William H. McNeill

William H. McNeill
Reg. No. 24,426

03-2-315

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Seymour, et al.

Application/Control No.: 10/737,048

Art Unit: 3632

Filed: 12/16/2003

Examiner: Sterling, Amy Jo

For: BRACKET ASSEMBLY

Commissioner for Patents
Box 1450
Mail Stop: AF
Alexandria, VA 22313-1450
Sir:

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450
Alexandria, VA 22313, on

April 9, 2005
William H. McNeill
William H. McNeill

APPEAL BRIEF UNDER 37 C.F.R. 41.37

Applicant(s) hereby present(s) to the Board Of Appeals his/her/their Brief in support of his/her/their Appeal from the decision of the Primary Examiner finally rejecting Claims 1-3, in the above-identified application. Please charge the \$500.00 fee to Deposit Account No. 15-0685. A triplicate of this page is enclosed for Fee purposes.

REAL PARTY IN INTEREST

The real party in interest is OSRAM SYLVANIA Inc., a wholly owned subsidiary of Siemens Corp.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences pending which are related to the instant appeal.

STATUS OF THE CLAIMS

Claims 1-3 have been rejected.

Claims 1-3 are appealed. These claims are delineated in the Appendix attached hereto.

STATUS OF AMENDMENTS

All amendments have been entered.

04/12/2005 EAREGAY1 00000131 150685 10737048

01 FC:1402

500.00 DA

SUMMARY OF INVENTION

The invention relates to an assemblage (8) that comprises an electrical connector (10) having body (12) with a tubular projection (14) having a push-through portion (16) having a first diameter and an engaging portion (18) having a second diameter larger than the first diameter. A support (20) for the electrical connector (10) has a major part (22) that is substantially rigid and includes an aperture (24) formed by a plurality of deflectable spokes (26). The aperture (24) has a center opening (28) with a third diameter greater than the first diameter and less than the second diameter, whereby the tubular projection push-through portion (16) slides through the aperture (24) and the spokes (26) engage the second diameter of the engaging portion (18) and mount the electrical connector (10) with the support (20). The assemblage thus provides an electrical connector that **directly** engages a support without needing an intermediary feature.

ISSUES

Whether claims 1-3 are patentable under 35 U.S.C. §103(a) over the combination of U.S. Patent No. 5,653,147 Kelly et al. in view of U.S. Patent No. 6,189,407 to Champ et al.

ARGUMENTS

35 U.S.C. 103

Kelley et al. '147 relates to a connector having a rubber sheath 18 that engages a rubber retainer 28 that is fitted into a hole 30 in a support bracket 32. Champ et al. '407 relates to a connector that utilizes a sleeve member and a clip member ('407, col. 6 lines 65 -67, col. 7 lines 1-67) for mounting in a hole 18 in a support 16.

There is no suggestion in this combination of the instant claimed invention wherein an electrical connector with a metal body with multiple diameters has a second portion that engages the spokes formed about an aperture in a support.

"In determining obviousness of claimed apparatus under 35 U.S.C. 103, it is improper to modify reference in light of applicant's own disclosure." **Ex parte Camarata**; 151 USPQ 739; PO Bd of App; Mar. 1 and May 17, 1966

Applicant: Seymour, et al.
Application/Control No.: 10/737,048
Filed: 12/16/2003
For: BRACKET ASSEMBLY

Art Unit: 3632
Examiner: Sterling, Amy Jo

Page 3 of 4

Both references being applied against the claims of this invention require an intermediate member that is fitted into an aperture and, therefore, provide no teaching at all to one skilled in the art that a viable support can be made without the use of an intermediate member, the support and the connector combining to provide a good electrical grounding.(specification, page 3, lines 8-12).

Accordingly, the rejection is improper and reversal is respectfully requested.

Respectfully submitted



William H. McNeill

Reg. No. 24,426

Agent for Applicants

APPENDIX

1. An assemblage comprising:

an electrical connector having a metal body with a tubular projection having a push-through portion having a first diameter and an engaging portion having a second diameter larger than said first diameter;

and a metal support having a major part that is substantially rigid and includes an aperture formed by a plurality of deflectable spokes, said aperture having a center opening with a third diameter greater than said first diameter and less than said second diameter, whereby said tubular projection push-through portion slides through said aperture and said spokes engage said second diameter of said engaging portion and mount said electrical connector with said support.

2. The assemblage of Claim 1 wherein a stop associated with said second diameter limits the amount of movement possible for said support.

3. The assemblage of Claim 2 wherein said spokes of said support diverge away from the plane of said major part of said support.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37) <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block; transform: rotate(-15deg);"> APR 12 2005 </div>	Application No. 10/737,048	Applicant(s) SEYMOUR ET AL.	
	Examiner Amy J. Sterling	Art Unit 3632	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 28 February 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

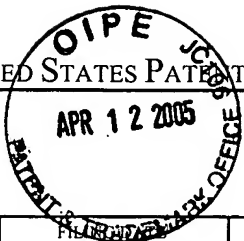
The new rules effective 9/13/04 no longer require a grouping of claims section. (See §41.37). Also as a note for future reference, only one copy of the brief is now required.


RAMON O. RAMIREZ
PRIMARY EXAMINER

 AJS 3/19/05



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,048	12/16/2003	Douglas G. Seymour	03-2-315	7677

7590

04/01/2005

William H. McNeill
OSRAM SYLVANIA Inc.
100 Endicott Street
Danvers, MA 01923

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

